

IN THE CLAIMS:

Please amend the claims as shown immediately below with all changes (e.g., additions, deletions, modifications) included, pursuant to 37 C.F.R. 1.121(c)(1).

Complete listing of the claims:

1-123 (Canceled).

124. (Currently Amended) A method for scoring, ~~with a trade secret documentation tool,~~
information relating to a potential trade secret in an auditable trade secret accounting system, the method comprising:

~~presenting the six factors of a trade secret from Section 757 of the Restatement (First) of Torts to an evaluator via a trade secret documentation tool using a user interface device connected to an accounting digital computer, the six factors including (1) the extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and to his competitors; (5) the amount of effort or money expended by him in developing the information and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others;~~

~~presenting to an evaluator, via the trade secret documentation tool using a user interface device connected to the accounting digital computer, a plurality of different ratings for each of the six factors, with each rating having an associated numerical value;~~

~~receiving, via the trade secret documentation tool using a user interface device connected to the accounting digital computer, a respective rating of the presented ratings from the evaluator as to the extent that the potential trade secret meets each of the six factors;~~

executing instructions relating to the auditable trade secret accounting system in a digital processing device, to determine at least one trade secret metric responsive to receipt of information comprising a first rating selected on a multipoint scale defining the extent that the information of the potential trade secret is known outside the business, a second rating selected

on a multipoint scale defining the extent to which the information is known by employees and others involved in the business, a third rating selected on a multipoint scale defining the extent of measures taken by the business to guard the secrecy of the information, a fourth rating selected on a multipoint scale defining the extent of a value of the information to the business and the business's competitors, a fifth rating selected on a multipoint scale defining an extent of the amount of money expended by the business in developing the information, and a sixth rating selected on a multipoint scale defining a relative ease or difficulty with which the information could be properly acquired or duplicated by others;

receiving in the digital processing device information corresponding to the first through sixth ratings;

associating the information corresponding to the first through sixth ratings with a trade secret identifier;

storing the received first through sixth ratings via the trade secret documentation tool using a database on in association with the trade secret identifier in a [[mass]] data storage device connected to associated with the auditable trade secret accounting system using the accounting digital computer processing device;

calculating, [[via the]] using the trade secret documentation tool and the digital processing device using an arithmetic processor of the accounting digital computer, a trade secret defendability metric for the potential trade secret from the received first through sixth ratings;
and

storing the calculated trade secret defendability metric in association with the trade secret identifier in the auditable trade secret accounting system via the trade secret documentation tool using a database on [[a]] using the [[mass]] data storage device connected to associated with the accounting digital computer processing device.

125. (Currently Amended) The method of claim 124 further comprising:

comparing-determining, via the trade secret documentation tool using a comparison processor of the accounting digital computer, that the calculated trade secret defendability metric for the potential trade secret exceeds trade secret identifier to a predetermined threshold value;

[[and]]

determining if the calculated trade secret defendability metric exceeds the predetermined threshold value; and

identifying, in response to the determination, defining the trade secret identifier the potential trade secret as relating to a defendable trade secret in the auditable trade secret accounting system.

126. (Currently Amended) The method of claim 124 further comprising:

repeating the acts of receiving, storing, calculating, and storing for information relating to a plurality of different trade secret identifiers;

sorting, [[via]] the trade secret documentation tool using a comparison processor of the accounting using the auditable trade secret accounting system digital computer, the [[a]] plurality of the potential trade secrets different trade secret identifiers in increasing or decreasing numerical order of the calculated trade secret defendability metric, one of the first through sixth ratings, or the trade secret identifier.

127. (Currently Amended) The method of claim 125 further comprising:

transmitting to a trade secret directory server, via the trade secret documentation tool using a communications processor of the accounting communication device associated with the digital processor computer, a request for a trade secret certificate corresponding to the determined defendable trade secret identifier relating to the defendable trade secret; and

receiving from the trade secret directory server, via the trade secret documentation tool using a communications processor the communication device associated with the digital processor of the accounting digital computer, a generated certificate corresponding to the determined defendable trade secret identifier relating to the defendable trade secret.

128. (Currently Amended) A physical computer-readable medium including computer-executable instructions facilitating the identification of information of potential trade secrets of a business, the physical computer-readable medium comprising:

computer-executable instructions disposed on the physical computer-readable medium for performing the step of presenting the six factors of a trade secret from Section 757 of the Restatement (First) of Torts, via a user interface device connected to a computing device, the six factors including (1) the extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and to his competitors; (5) the amount of effort or money expended by him in developing the information and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others;

computer-executable instructions disposed on the physical computer-readable medium for performing the step of presenting, via a user interface device connected to the computing device, a plurality of different ratings for each of the six factors, with each rating having an associated numerical value;

computer-executable instructions stored disposed on the physical computer-readable medium, the computer-executable instructions being configured, upon execution by one or more processors, to perform for performing the step of receiving, via a user interface device connected to the computing device, a respective rating of the presented ratings from the evaluator as to the extent that the potential trade secret meets each of the six factors steps of:

receiving a first rating selected on a multipoint scale defining the extent that the information of the potential trade secret is known outside the business;

receiving a second rating selected on a multipoint scale defining the extent to which the information is known by employees and others involved in the business;

receiving a third rating selected on a multipoint scale defining the extent of measures taken by the business to guard the secrecy of the information;

receiving a fourth rating selected on a multipoint scale defining the extent of a value of the information to the business and the business's competitors;

receiving a fifth rating selected on a multipoint scale defining an extent of the amount of money expended by the business in developing the information;

receiving a sixth rating selected on a multipoint scale defining a relative ease or difficulty

with which the information could be properly acquired or duplicated by others;

~~computer-executable instructions disposed on the physical computer-readable medium for performing the step of storing the received first through sixth ratings in a [[mass]] data storage device connected to the [[computing device]] one or more processors;~~

~~computer-executable instructions disposed on the physical computer-readable medium for performing the step of calculating, with an arithmetic processor of the computing device, a trade secret defendability metric for the potential trade secret from the received first through sixth ratings; and~~

~~computer-executable instructions disposed on the physical computer-readable medium for performing the step of storing the calculated trade secret defendability metric in [[a mass]] the data storage device connected to the [[computing device]] one or more processors.~~

129. (Currently Amended) The physical computer-readable medium of claim 128, wherein the computer-executable instructions are configured, upon execution by one or more processors, to perform steps further comprising:

~~computer-executable instructions disposed on the physical computer-readable medium for performing the step of determining, with a comparison processor of the accounting digital computer, that comparing the calculated trade secret defendability metric for the potential trade secret to exceeds a predetermined threshold value; [[and]]~~

determining if the calculated trade secret defendability metric exceeds predetermined threshold value; and

~~computer-executable instructions disposed on the physical computer-readable medium for performing the step of identifying, in response to the act of determining determination, the potential trade secret as a defendable trade secret.~~

130. (Currently Amended) The physical computer-readable medium of claim 128, wherein the computer-executable instructions are configured, upon execution by one or more processors, to perform a further step of further comprising computer-executable instructions disposed on the physical computer-readable medium for sorting, with a comparison processor of the accounting

~~digital computer~~, a plurality of ~~[[the]]~~ potential trade secrets in increasing or decreasing numerical order of the calculated metric.

131. (Currently Amended) The physical computer-readable medium of claim 129, wherein the computer-executable instructions are configured, upon execution by one or more processors, to perform steps further comprising:

~~computer-executable instructions disposed on the physical computer-readable medium~~
~~for~~ transmitting, via a communication device associated with the one or more processors
~~communications processor of the accounting digital computer~~, to a trade secret directory a request for a trade secret certificate corresponding to the determined defensible trade secret; and
~~computer-executable instructions disposed on the physical computer-readable medium~~
~~for~~ receiving, via a communications processor of the accounting digital computer, from the trade secret directory server a generated certificate corresponding to the determined defensible trade secret.

132. (Currently Amended) A trade secret documentation tool for identifying information of a potential trade secret of a business comprising:

~~an accounting a~~ digital computer;
a user interface device ~~in connection connected to with the accounting digital computer,~~
the user interface device being configured to receive from a user inputs of ratings corresponding to a potential trade secret for presenting trade secret factors and for receiving ratings of the
potential trade secret, the six trade secret factors corresponding to the six factors of Section 757 of the Restatement (First) of Torts and including (1) the extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and to his competitors; (5) the amount of effort or money expended by him in developing the information and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others;
a ~~[[mass]]~~ data storage device ~~in connection~~ associated with the accounting digital

computer for storing ratings received via the user interface and for storing a defendability metric for the potential trade secret, the data storage device having stored thereon, the computer-executable instructions being configured, upon execution by the digital computer, to perform the steps of receiving a first rating selected on a multipoint scale defining the extent that the information of the potential trade secret is known outside the business, receiving a second rating selected on a multipoint scale defining the extent to which the information is known by employees and others involved in the business, receiving a third rating selected on a multipoint scale defining the extent of measures taken by the business to guard the secrecy of the information, receiving a fourth rating selected on a multipoint scale defining the extent of a value of the information to the business and the business's competitors, receiving a fifth rating selected on a multipoint scale defining an extent of the amount of money expended by the business in developing the information, and receiving a sixth rating selected on a multipoint scale defining a relative ease or difficulty with which the information could be properly acquired or duplicated by others, the computer-executable instructions being further configured to perform the steps of storing the received first through sixth ratings in the data storage device, to calculate a trade secret defendability metric for the potential trade secret from the received first through sixth ratings, and to store the calculated trade secret defendability metric in the data storage device.

wherein the [[mass]] data storage device comprises ~~computer-readable files containing a~~ database in which the first through sixth ratings and related data is stored, ~~the six factors of a~~ trade secret from Section 757 of the Restatement (First) of Torts, and associated numerical values; and

wherein the accounting digital computer comprises an arithmetic processor and associated executable instructions for calculating the trade secret defendability metric for the potential trade secret from received ratings.

133. (Currently Amended) The trade secret documentation tool of claim 132 ~~wherein the~~ accounting digital computer further comprises a comparison processor and associated executable instructions for determining that the calculated trade secret defendability metric for the potential trade secret exceeds a predetermined threshold value and identifying the potential trade secret as

a defensible trade secret, and for sorting a plurality of the potential trade secrets in increasing or decreasing numerical order of the calculated metric, wherein the computer-executable instructions are configured, upon execution by the digital computer, to perform steps further comprising:

comparing the calculated trade secret defensibility metric for the potential trade secret to a predetermined threshold value;

determining if the calculated trade secret defensibility metric exceeds predetermined threshold value; and

identifying, in response to the act of determining, the potential trade secret as a defensible trade secret.

134. (Currently Amended) The trade secret documentation tool of claim 133 ~~wherein the accounting digital computer further comprises a communication processor and associated executable instructions in connection with a trade secret directory server, the trade secret directory server for generating and storing a certificate relating to the trade secret and for presenting the certificate in response to a query relating to the trade secret, wherein the computer-executable instructions are configured, upon execution by the digital computer, to perform steps further comprising:~~

transmitting, via a communication device associated with the digital computer, to a trade secret directory a request for a trade secret certificate corresponding to the determined defensible trade secret; and

receiving, via a communications processor of the digital computer, from the trade secret directory server a generated certificate corresponding to the determined defensible trade secret.

135. (New) The method of claim 124, wherein the digital processing device comprises a trade secret documentation tool and a user interface device configured to receive a respective rating of each of the first through sixth ratings from a user.